

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

DEREK DEYOUNG,
a resident of Michigan,

Plaintiff,

Case No.: 20-970

v.

QINGDAO LEI CHI INDUSTRIAL & TRADE
CO., LTD.,

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

For his Complaint and Demand for Jury Trial in this matter, Plaintiff Derek DeYoung, by and through his attorneys Revision Legal, PLLC, states as follows:

I. PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Derek DeYoung (“DeYoung”) is a resident of the State of Michigan with his principal residence in Traverse City, Michigan.
2. Qingdao Lei Chi Industrial & Trade Co., Ltd. is a Chinese limited by shares company with its principal place of business at Floor 16, Building A, No. 18, Hong Kong Middle Road (Futai Mansion), Shinan District, Qingdao, People’s Republic of China and with its manufacturing facilities at Economic & Technical Zone, Weihai, People’s Republic of China.
3. This Court has subject matter jurisdiction over the claims asserted by DeYoung pursuant to 17 U.S.C. § 411, 28 U.S.C. § 1338(a) and (b), and 28 U.S.C. § 1331.
4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391.

5. Personal jurisdiction is proper over Defendants because exercise thereof would not offend traditional notions of fair play or substantial justice because Defendants have purposefully availed themselves of this forum state, the cause of action arises from Defendants' activities here, and the Defendants' actions have caused damage to a Michigan resident.
6. Specifically, Defendants purposefully and intentionally availed themselves of this forum state by manufacturing, importing, distributing, offering for sale, displaying, advertising, and selling counterfeit goods bearing DeYoung's, a resident of this state, creative works, by creating and operating interactive websites that reveal specifically intended interactions with residents of the State of Michigan, and by creating Alibaba advertisements selling counterfeit goods specifically to residents of the State of Michigan.

PLAINTIFF'S BUSINESS

7. Derek DeYoung ("DeYoung") is a well and widely known artist and a graduate of the Kendall College of Art and Design with his principal residence and place of business in Traverse City, Michigan.
8. DeYoung's artistic works primarily focus on fish and fishing, and, in particular, the sport of fly fishing. DeYoung's unique style presents a deviation from traditional fly-fishing art, which typically uses a palate of natural colors, because his work emphasizes the rich and vibrant colors of the fish to produce a compelling result that is unlike any other artist in the field.
9. Due to the uniqueness of his work, DeYoung has contributed his art to products produced by some of the world's largest manufacturers and retailers of sporting equipment and

accessories, including collaborations with Burton Snowboards, Abel Reels, Simms, Costa, OtterBox, Buff, and Wingo Outdoors.

10. DeYoung has filed for and obtained copyright registration to the following works, which are relevant to this matter (the “Works”):

- a. Abstract Brookie Flank - VA 1-934-679 (infringed by Defendant as “3D Trout Skin 2”);
- b. Abstract Brown Flank Green – VA 2-076-264 (infringed by Defendant as “3D Trout Skin 1”);
- c. Abstract Crazy Rainbow – VA 1-910-379 (infringed by Defendant as “3D Trout Face 5”);
- d. Brookie Orange – VC 1-934-747 (infringed by Defendant as “3D Trout Face 4”);
- e. Abstract Brown—4th of July – VA 2-060-747 (infringed by Defendant as “3D Trout Face 3”);
- f. Abstract Brookie—Grey Wolf – VA 1-910-379 (infringed by Defendant as “3D Trout Face 2”);
- g. Abstract Rainbow Royal Wulff – VA 1-970-688 (infringed by Defendant as “3D Trout Face 1”);
- h. Tarpon Flank – Late – VA 2-076-127 (infringed by Defendant as “3D Tarpon Scale”);
- i. Abstract Tarpon Face – Red Streamer – VA 1-910-379 (infringed by Defendant as “3D Tarpon Face 2”); and
- j. Abstract Tarpon – Black Back – VA 1-973-261 (infringed by Defendant as “3D Tarpon Face 1”).

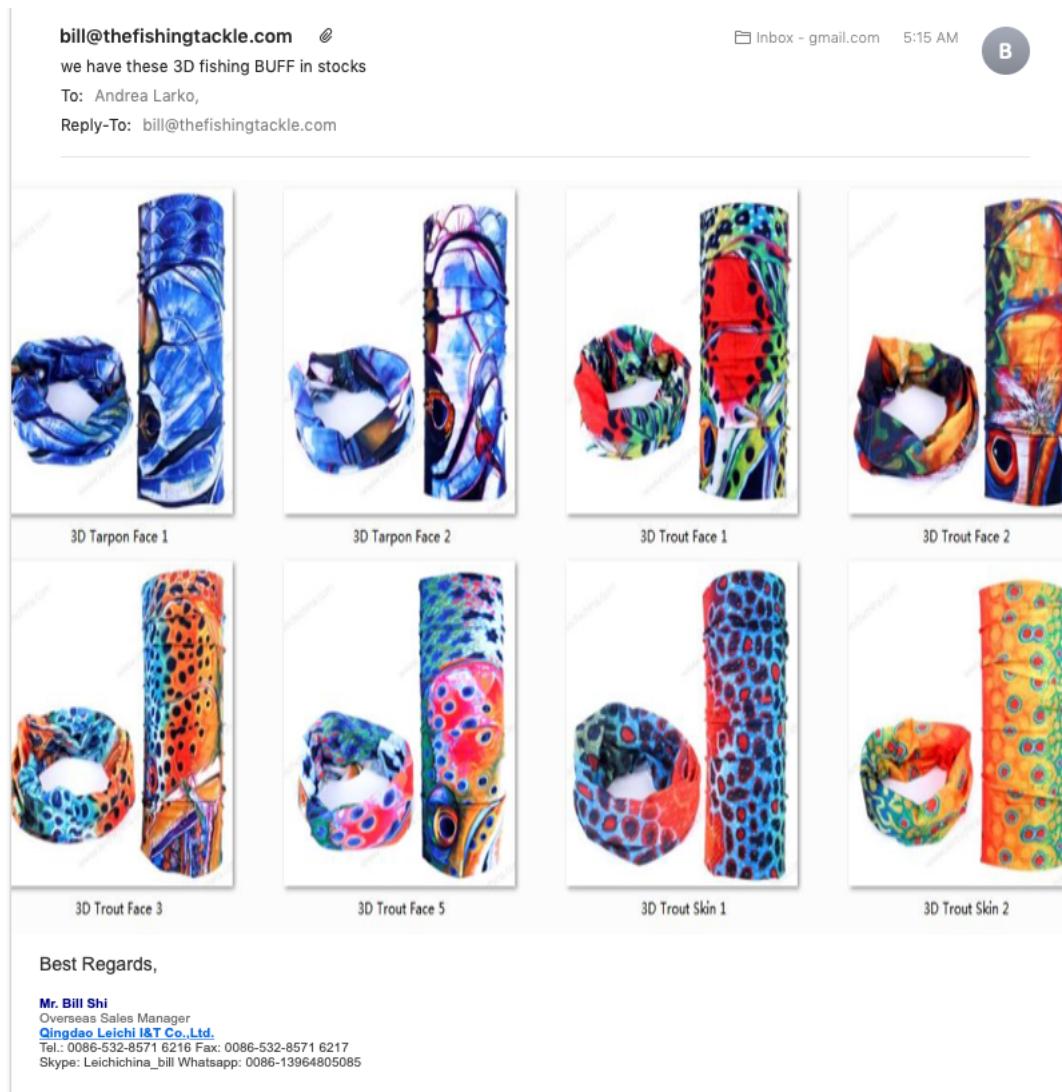
DEFENDANT AND ITS BUSINESS

11. Defendant Lei Chi is a manufacturer and wholesaler of fishing-related goods located in Qingdao, People's Republic of China.
12. Defendant Lei Chi manufactures a number of fishing-related products and, particularly, focuses on the sport of fly fishing.
13. Defendant Lei Chi represents itself as having manufactured or as manufacturing products for major US fly fishing retailers, including Orvis, Courtland, Bass Pro Shops, Temple Fork Outfitters, and Cabela's.
14. Defendant sells its products at wholesale to retailers in the United States through its websites, which are located at <https://www.leichichina.com> and <https://www.flyfishingsupplier.com>, and through the Alibaba marketplace at <https://leichifishing.en.alibaba.com>.
15. Defendant also sells its products directly to US consumers through its websites, which are located at <https://www.leichichina.com> and <https://www.flyfishingsupplier.com>, and through the Alibaba marketplace at <https://leichifishing.en.alibaba.com>.
16. Defendant is well aware of United States intellectual property law; it has filed for and obtained two US trademarks for use in association with fishing-related products: MAXCATCH (USPTO Reg. No. 5929683) and M MAXIMUMCATCH (USPTO Reg. No. 5153336).
17. Defendant steals the artwork of popular American brands and artists like DeYoung, creates cheap, low-quality fly-fishing products, and then supplies them to US retailers or sells them directly to US consumers through its own website and the Alibaba marketplace.

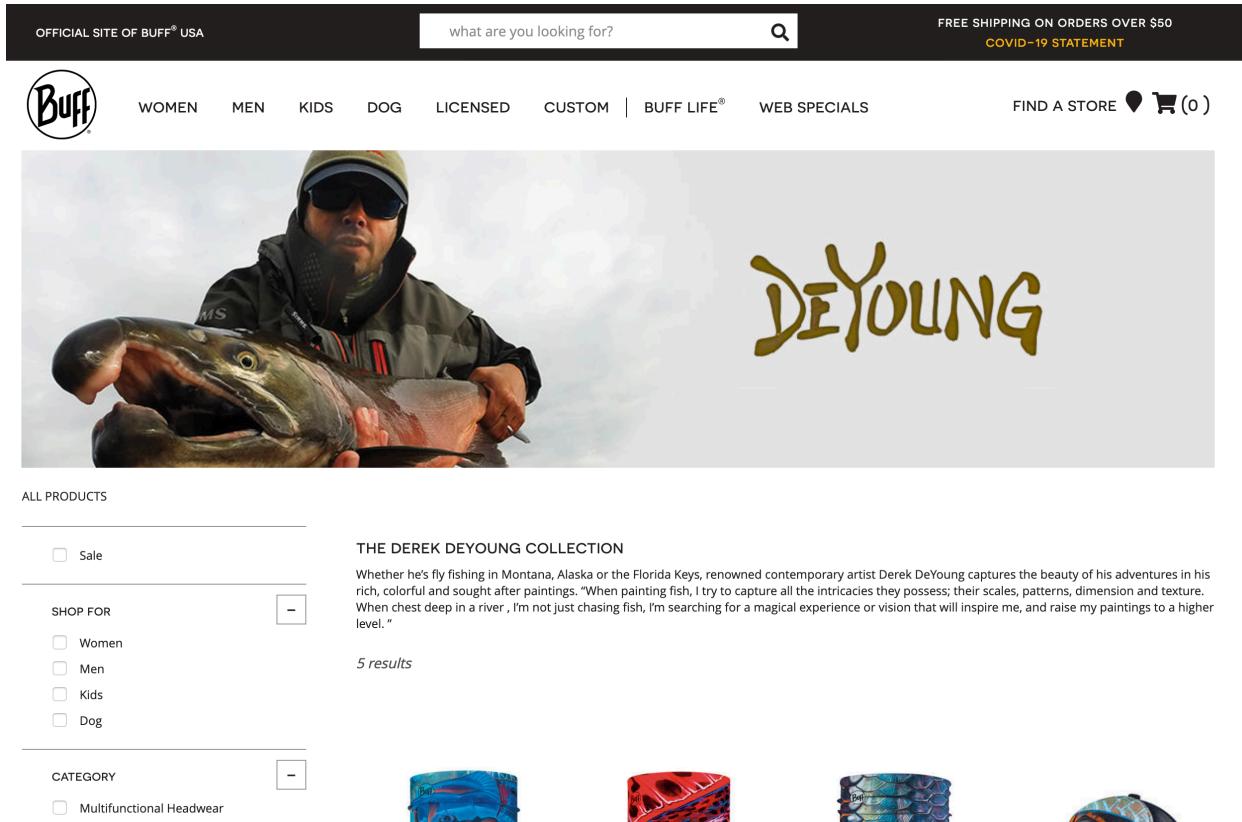
DEFENDANTS' INFRINGEMENT OF PLAINTIFF DEYOUNG'S RIGHTS

18. On or about July 2, 2020, Plaintiff DeYoung received an email from another US-based artist, Andrea Larko, informing him that a representative of Defendant Lei Chi, Mr. Bill Shi, had contacted her and attempted to sell her at wholesale fishing-related head coverings bearing DeYoung's works.

19. Specifically, Defendant Lei Chi had offered for sale various face and neck coverings, described as "3d fishing Buff(s)," bearing Plaintiff DeYoung's Works:



20. “Buffs” are UV-protectant face and neck coverings that are manufactured and sold by Buff, a retailer of fishing-related face and neck coverings, which licenses DeYoung’s Works for sale on those products:



21. After being notified of these infringing copies, Plaintiff DeYoung began an investigation into Defendant Lei Chi.

22. Upon reviewing Lei Chi’s website, <https://www.leichichina.com>, Plaintiff DeYoung discovered that Defendant Lei Chi sells and offers for sale to US consumers and retailers ten of Plaintiff DeYoung’s copyrighted Works on neck and face coverings.

23. Further, Defendant Lei Chi sells and offers for sale to US consumers and retailers ten of Plaintiff’s DeYoung’s copyrighted Works through the Alibaba marketplace at <https://leichifishing.en.alibaba.com>.

24. The products sold by Defendant Lei Chi and that bear Plaintiff DeYoung's Works are unauthorized, unlicensed, and of poor quality.
25. These products are slavish copies of Plaintiff DeYoung's copyrighted Works and constitute copyright infringement.

COUNT I – COPYRIGHT INFRINGEMENT

26. DeYoung incorporates all foregoing paragraphs as if fully restated herein.
27. DeYoung owns a copyright registration for the following works:
 - a. Abstract Brookie Flank - VA 1-934-679 (infringed by Defendant as “3D Trout Skin 2”);
 - b. Abstract Brown Flank Green – VA 2-076-264 (infringed by Defendant as “3D Trout Skin 1”);
 - c. Abstract Crazy Rainbow – VA 1-910-379 (infringed by Defendant as “3D Trout Face 5”);
 - d. Brookie Orange – VC 1-934-747 (infringed by Defendant as “3D Trout Face 4”);
 - e. Abstract Brown—4th of July – VA 2-060-747 (infringed by Defendant as “3D Trout Face 3”);
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- j. Abstract Tarpon – Black Back – VA 1-973-261 (infringed by Defendant as “3D Tarpon Face 1”).

28. DeYoung’s Works are widely disseminated through DeYoung’s own website and on physical products.

29. Specifically, DeYoung’s Works are licensed to Buff for sale of neck and face coverings.

30. Defendant had access to DeYoung’s Works.

31. Defendant has copied DeYoung’s Works and placed them on low quality neck and face coverings.

32. Defendant has manufactured, reproduced, prepared derivative works of, distributed copies of, and displayed publicly works that are identical copies of, and substantially similar to, DeYoung’s Works.

33. Defendant has offered for sale and sold these infringing copies of DeYoung’s Works to US consumers and retailers.

34. As a result of Defendants’ infringement, DeYoung has suffered monetary damages.

35. DeYoung is entitled to the recovery of, at its election, statutory damages, actual damages, Defendants’ profits, and the costs of this action.

36. DeYoung is also entitled to preliminary and permanent injunctive relief pursuant to 17 U.S.C. § 502.

37. And DeYoung is also entitled his attorneys’ fees pursuant to 17 U.S.C. § 505.

PRAYER FOR RELIEF

DeYoung respectfully requests that the Court enter the following judgment against Defendant:

1. That the Court preliminarily and permanently enjoin and restrain Defendant, as well as its heirs, successors, assigns, officers, agents, and employees from:
 - a. From reproducing, preparing derivative works of, distributing copies of, and displaying publicly Plaintiff DeYoung's Works;
 - b. From manufacturing, importing, advertising, promoting, offering to sell, selling, distributing, or transferring any products bearing Plaintiff DeYoung's Works; and
 - c. Aiding or assisting any other third party in subsections (a) and (b) above;
2. That the Court award DeYoung, at his election, his actual damages, lost profits, consequential damages, exemplary damages, statutory damages, and any other damages allowable under law;
3. That the Court award DeYoung costs and attorneys' fees, and;
4. That the Court award DeYoung any other relief to which he is entitled.

Respectfully submitted,

Date: October 8, 2020

Derek DeYoung

/s/ John Di Giacomo
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JURY DEMAND

Plaintiff hereby requests a trial by jury for all eligible counts contained within this Complaint.

Respectfully submitted,

Date: October 8, 2020

Derek DeYoung

/s/ John Di Giacomo
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